

Sunset Public Hearing Questions for
LICENSING STANDARDS COMMITTEES,
DEPARTMENT OF HUMAN SERVICES
 Created by Section 71-3-511, *Tennessee Code Annotated*
 (Sunset termination June 2011)

1. Provide a brief introduction to the committee, including information about its purpose, statutory duties and staff.

The law requires that the Commissioner of Human Services appoint a standards committee to develop and review standards and regulations for each class of child care agency regulated by the Department of Human Services. The standards committee acts in an advisory capacity to the Commissioner and makes recommendations for initial and revised standards and regulations. The law requires that the standards and regulations for existing classes of child care agencies be reviewed by the standards committee every four (4) years, or more frequently, if directed to by the Commissioner. The standards committee is composed of sixteen (16) members, four (4) from each grand division, and four (4) at-large members. According to law, a standards committee ceases to exist after submitting its recommendations to the Commissioner, but it may be recalled as needed. Child & Adult Care Licensing of the Department's staff in Nashville have administrative responsibilities for the committees.

2. Provide a list of the committee members and describe how membership complies with Section 71-3-511, *Tennessee Code Annotated*. What criteria were used in selecting the members? Is at least one member of the committee 60 years of age or older and one member a member of a racial minority as required by statute?

Child Care Center Standards Committee			
East	Middle	West	At-Large
Trish Brady	Hattie Baines	Kay Von Boeckman	Sherry LeSueur
Carlos Hutchinson	Linda Boyers	Rita Halpern	Lucinda Hall
Jean Ragland	Joey Scruggs	John Lovelace	Mary Palmer
Vicki Hix	Shantrelle Edmondson	Santa Miller	Agnes Losa

Family and Group Child Care Standards Committee			
East	Middle	West	At-Large
Lorene Steger	Debbie Ferrell	Lizzie Humphrey	Jennie Nelson
Linda Beeler	Patricia Fox	Aarion Kiner	Wanda Buck
Charlotta Edwards	Leslie Nevin	Janice Massey	Carolyn Cooper
Thelma Pak	Diana Washington	Debra Waggoner	Laverne Baker

Drop In Child Care Center Standards Committee			
East	Middle	West	At-Large
Harriet Wilson	Lisa Beck	Jessie Moody	Lee Ann Ringer
Pam West	Gini Langham	Paula Jowers	Patti Gibson
Anita Matthews	Lori Locke	Merlean Hill	Lisa Eichenberger-Walsh
Lisa Hendrickson	Deborah Hornbeck	Stacey Alley	Betty Vaudt
Alternates			
Bill Rush	Jennifer Parker	Barbara Myers	Bruce Crabtree

Members of the standards committee are chosen from among nominations received based upon the statutory criteria, as well as based upon the nominees' years of experience, educational and professional achievements, and any expertise in particular child care specialties. Each of the above committees meets or exceeds the statutory representation criteria for having at least one member sixty (60) years or older and one member of a racial minority. Nomination forms for standards committee membership are mailed to child care professional organizations, child care advocacy groups, and all known licensed providers.

3. In 2000, the enabling statute was amended to provide at Section 71-3-511(e)(2), *Tennessee Code Annotated*:

Except as otherwise provided in this section, in making appointments to the standards committee, the department shall strive to ensure that the membership of the standards committees includes a balance of representatives of the regulated industry and persons whose expertise would be of assistance to the department. The department shall appoint child advocates, social workers, attorneys, and other such persons with knowledge and expertise in the specified area, as well as citizen members to the committee.

What steps have been taken to comply with this provision?

Please see the answer to question # 2 above. The committee members represent a diverse cross section of the child care industry and they reflect a wide assortment of educational backgrounds and child care experience. The majority of the membership of the above committees is made up of child care owners, operators, directors, primary caregivers and caregivers. The committees also include at least one parent representative. The Drop-in committee also includes a Tennessee Early Childhood Training Alliance Orientation Specialist. We have consciously made an effort to include as many child care providers on these committees as possible, but the Department's staff in Nashville also invites additional child care advocates and experts to participate in the meetings as needed.

4. The committee is, by statute, responsible for developing and recommending to the commissioner standards and regulations for any new class of child care agency. How is it determined if a class of child care agency is “new?” Who makes the determination? When the determination is made, how and by whom is standards and regulations development started? What was the last class of agency requiring the development of standards?

Classes of child care agencies are established by statute. A “new” class of child care agency is a class that did not previously exist in the law. Existing classes already have standards and regulations in place. Standards and regulations must be created for new classes of care. The most recently created class of child care agency was for Drop In Child Care Centers. This class of child care agency was established by the Tennessee General Assembly in 2000. Once the standards committee for a class of agency has been convened, the Department’s licensing program staff either: (a) develop an updated draft of existing regulations, or (b) if the standards committee is for a new class of child care agency, develop a draft of a new set of regulations for this class. The standards committee is then presented with a copy of any currently existing regulations, as well as a copy of the Department’s draft. The standards committee may choose to base its recommendations on existing rules or on the Department’s draft, or it may choose to develop its own standards and regulations and recommend these to the Department.

5. The committee is also required by statute to review the standards and regulations of each existing class of child care agency every four years “or more frequently as the commissioner may direct.” Please list all classes of existing child care agencies and the last time the standards and regulations of each were reviewed.

The existing classes of child care agencies are:

Group Child Care Homes. Their regulations are in Tenn. Comp. R. & Regs. 1240-4-1

Drop-In Child Care Centers. Their regulations are in Tenn. Comp. R. & Regs. 1240-4-2

Child Care Centers. Their regulations are in Tenn. Comp. R. & Regs. 1240-4-3

Family Child Care Homes. Their regulations are in Tenn. Comp. R. & Regs. 1240-4-4

The current or most recent standards committees established for the classes of child care categories are:

Child Care Center Standards Committee - Review of proposed combined child care rules (combining 1240-4-1 through 1240-4-4 into one chapter) is in progress.

Family and Group Child Care Homes Standards Committee – Review of proposed combined child care rules (combining 1240-4-1 through 1240-4-4 into one chapter) is in progress.

Drop In Child Care Center Standards Committee – The last review of standards and regulations took place in 2007, and the next review process is scheduled to be initiated in 2011.

6. Statute specifies that the committee shall “cease to exist upon submitting its recommendations to the commissioner, but may be re-established by the commissioner at any time to further review its recommendations or to consider additional standards or regulations or to consider revisions to the standards or regulations.” Does the committee retain the same membership each time it is “re-established” or does membership change?

The retention of membership is dependent, somewhat, upon how long it has been since the standards committee has been active. In cases where the standards committee is being reestablished because four years have passed and it is time for the next scheduled review of a class of child care agency’s standards and regulations, the newly established standards committee usually consists of mostly new members. It is helpful, however, to include a few members from the previous committee to provide some continuity.

7. How many times has the committee met during fiscal years 2009 and 2010, and how many members were present at each meeting?

The Child Care Center Standards Committee and the Family and Group Child Care Homes Standards Committee participated in a joint meeting in March 2009. Due to budget limitations the meeting was conducted via conference call. Eighteen committee members participated in the meeting. Additional input from the committee members was also obtained by email correspondence after the meeting, and another committee conference call is being proposed by the end of the summer 2010.

8. What per diem or travel reimbursement do members receive? How much was paid to committee members during fiscal years 2009 and 2010?

Committee members do not receive any compensation, but are reimbursed for travel, meals, and lodging according to state travel procedures and regulations. The members were not reimbursed for travel during this period because the meeting was conducted via conference call.

9. What were the committee’s revenues (by source) and expenditures (by object) for fiscal years 2009 and 2010?

There are no revenues generated by the standards committees. Expenses for this period were limited to the use of the bridge line for the conference call in March 2009. A second conference call will be held prior to the filing of the proposed draft of the combined child care rules with the Secretary of State in September, 2010.

10. How does the committee ensure that it is operating in an impartial manner and that there is no conflict of interest?

The diversity of members on the committees helps to ensure that they operate in an impartial manner. Furthermore, these committees serve in an advisory capacity to the Department. The Department has ultimate responsibility for establishing rules or proposing changes to the rules. Therefore, the Department has responsibility for monitoring recommendations and making sure that any proposed rules are appropriate for regulating the health, safety and welfare of children in licensed child care and that the rules proposed by the committees accomplish this objective taking into account, to the extent possible, the needs of all licensed child care agencies.

11. Is the committee subject to Sunshine law requirements (Section 8-44-101 et seq., *Tennessee Code Annotated*) for public notice of meetings, prompt and full recording of minutes, and public access to minutes? If so, what procedures does the committee have for informing the public of its meetings and making its minutes available to the public?

Yes, meetings are open to the public and materials associated with the meetings become part of the public record, and as such, are available to the public upon request. Meeting dates and times are posted on the Department's website and distributed to the public through the Department's communications office as media releases/announcements.

12. Describe any items related to the committee that require legislative attention and your proposed legislative changes.

None known

13. Should the committee be continued? To what extent and in what ways would the absence of the committee endanger the public health, safety or welfare?

Yes, the committee should be continued. In order to adequately protect children in care, it is vital that child care providers/child care advocates participate in the rulemaking process. The committees afford a wide variety of providers an opportunity to actively participate. Their direct involvement in the industry contributes greatly to the rules that work to protect children from harm.

14. Please list all committee programs or activities that receive federal financial assistance and, therefore are required to comply with Title VI of the Civil Rights Act of 1964. Include the amount of federal funding received by program/activity.

The Committee's travel and conference call expenses, which are the only Committee expenses, at least partially, consist of some percentage of federal funds. The Committee incurred no travel expenses during FYs 2009/2010 and expenses were limited to use of a bridge line for conference calls estimated to be less than \$500.00.

However, the Committees, as noted above, are established specifically for review of child care agency licensing regulations and do not, as such provide activities or programs to service recipients of the Department. In any event, the Department itself does have a Title VI plan and a Title VI Coordinator.

[Federal financial assistance includes:

- (1) Grants and loans of Federal funds,
- (2) The grant or donation of Federal Property and interests in property,
- (3) The detail of Federal personnel,
- (4) The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and
- (5) Any federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

28 C.F.R. Sec. 42.102(c)

[The term recipient means any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, or organization, or other entity, or any individual, in any State, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assign, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

28 C.F.R. Sec. 42.102(f)

If the committee does receive federal assistance, please answer questions 15 through 22. If the committee does not receive federal assistance, proceed directly to question 21.

15. Does your committee prepare a Title VI plan?

The standards committees do not prepare Title VI plans for the reasons noted in #14 above.

If yes, please provide a copy of the most recent plan.

16. Does your committee have a Title VI coordinator? If yes, please provide the Title VI coordinator's name and phone number and a brief description of his/her duties. If not, provide the name and phone number of the person responsible for dealing with Title VI issues.

Jeff Blackshear, 313-5711, is the Department's Title VI Coordinator and is responsible for addressing Title VI complaints made regarding Department programs and for preparation of the Department's Title VI compliance plans.

17. To which state or federal agency (if any) does your committee report concerning Title VI? Please describe the information your committee submits to the state or federal government and/or provide a copy of the most recent report submitted.

Please see responses to #s 14 and 15 above.

18. Describe your committee's actions to ensure that committee staff and clients/program participants understand the requirements of Title VI.

Please see responses to #s 14 and 15.

19. Describe your committee's actions to ensure it is meeting Title VI requirements. Specifically, describe any committee monitoring or tracking activities related to Title VI, and how frequently these activities occur.

Please see responses to #s 14 and 15.

20. Please describe the committee's procedures for handling Title VI complaints.

Please see responses to #s 14 and 15.

Has your committee received any Title VI-related complaints during the past two years?

No.

If yes, please describe each complaint, how each complaint was investigated, and how each complaint was resolved (or, if not yet resolved, the complaint's current status).

21. Please provide a breakdown of current committee staff by title, ethnicity, and gender.

There are no formal staff positions associated with the committees. Child care licensing staff at the Department's state office level assume administrative responsibility and oversight for the committees. The primary person with administrative duties for the committees is a Coordinator II (Caucasian, Male).

22. Please list all committee contracts, detailing each contractor, the services provided, the amount of the contract, and the ethnicity of the contractor/business owner.

None